

CAREGIVER BACKGROUND CHECK PILOT QUESTIONS AND ANSWERS

D. Use of Background Check Information

- D1. Can a background check be used for multiple providers? For example, if a nurse aide works at two different nursing homes, can the same background check be used for both providers?
- No. Unlike the current caregiver law that permits entities to obtain name-based background check results from other entities, pilot entities are not permitted to share results of FBI checks.
- Each covered provider must conduct a new FBI background check on each newly hired caregiver. An FBI background check conducted on a newly hired caregiver for one provider may not subsequently be used when the same individual seeks employment with another provider in the future, regardless of the length of time that has passed.
- The following language (**in bold**) has been added to 50.065(2)bg:
“If an entity hires or contracts with a caregiver for whom within the last 4 years, the information required under par. (b) 1. to 3. and 5. has already been obtained by another entity, the entity may obtain that information from that other entity, **which, not withstanding par (br)**, shall provide the information, if possible, to the requesting entity...”
*50.065(2)br refers to the FBI background check results. (See question C16.)
- D2. Does the FBI maintain all fingerprint records submitted to IAFIS?
- No. The FBI does not maintain a record of IAFIS fingerprint submissions conducted for civil purposes (e.g., employment, licensing). The FBI permanently maintains fingerprint records submitted by law enforcement agencies for criminal justice purposes.
- Fingerprints submitted for this pilot will be destroyed by the FBI after the background check is completed.
- D3. Does the Department of Justice maintain fingerprint records submitted for this pilot?
- No. The Department of Justice does not maintain a record of fingerprint submissions conducted for civil purposes (e.g., employment, licensing).
- Fingerprints submitted for this pilot will be destroyed by DOJ after the background check is completed.

CAREGIVER BACKGROUND CHECK PILOT QUESTIONS AND ANSWERS

- D4. Will DHFS maintain fingerprint records submitted for this pilot? Will DHFS maintain the background check results related to this pilot?
- DHFS is not part of the background check process. The employer requests the background check results and the employer who receives and retains those results. DHFS does not monitor the background check results.
- DHFS will not receive copies of fingerprint submissions or copies of background check results. No records of individual background checks will be kept at DHFS.
- Providers are required to provide aggregate hiring data to DHFS on a quarterly basis.
- D5. Wouldn't it be easier if DHFS kept a list of all the caregivers who have barring offenses? That way, we wouldn't have to do background checks on people who've already been disqualified.
- See D5. Under Wisconsin's process some duplicate background checks may be run. Caregivers, however, will quickly learn that the offense that denied them from employment at provider A will deny them employment at provider B.
- In addition, individuals who have convictions or findings on the Offense List may apply for rehabilitation review at any time.
- D6. Can we share the FBI results with the state surveyor?
- Yes. FBI results may be shared with the state surveyor.
- D7. La Crosse County owns a Home Health Agency, and ICF/MR, and two nursing homes. Can we share background check information across our County-owned facilities?
- Yes. As long as the individual is a county employee, the results can be shared within the county system. For example, the HR department at Lakeview can share the results with the HR staff at Hillview or with the County staff. You may not, however, share information with your subcontractors because your subcontracted staff are not employed by the county.
- The same holds true for large private organizations that own multiple facilities/agencies.